

REMARKS

It appears that the Examiner objects to the usage of Wikopedia as being improper evidence and then proceeds to state that the “virtual community” definition of Wikopedia is consistent with the Reese usage or mail lists. Firstly, Applicant did not offer Wikopedia as evidence it was being offered as but one example of a definition for “virtual community” that Applicant believes supports its opinion that the Reese reference completely lacks a “virtual community.” Applicant is still of this opinion in even view of the Examiner’s remarks.

Specifically, the Examiner contends that Reese supplies email lists and contends that this is a “virtual community.” Applicant would like to direct the Board’s attention to column 60 of Reese line 15. This is the only instance in which email is discussed at all the Reese reference. Here, this email does not include an email list as the Examiner asserts to be the case in Reese. The context of “email” is used to describe a notification to a “particular user” when a recommendation source has created a new list of recommendations. Contrary to what The Examiner proposed, this reference does not report the recommendations it reports whether a recommendation source has a new recommendation but not the recommendation itself, and it does not use email list it is a one-off email to a user. In fact, there is no community at all in this reference of Reese; it is a single one-off email that is sent. Thus, contrary to what the Examiner has asserted. Applicant contends there are no mailing lists at all in Reese.

Moreover, even with the most generous definition of “virtual community” the Reese reference fails to identify, teach, or use such a definition. Applicant also notes that in Applicant’s opinion no reasonable person of ordinary skill in the art would view a mail list as a virtual community because by today’s standards a certain degree of interactive and social collaboration is what defines a virtual community. Again, this is just the opinion of the Applicant; but, Applicant also notes that even if the Board is to use the broadest possible interpretation as proposed by the Examiner, the Reese reference still completely fails to teach a “virtual community.”

Next, there is absolutely no ability in Reese for the “user” to make recommendations. Applicant brought this point up in the original Appeal Brief and it does not appear to have been addressed at all by the Examiner in the Answer. The analysts of Reese are not the inventors and

therefore there is no ability in Reese and no teaching whatsoever where a user or inventor makes a recommendation to the community. In Reese it is the analysts not an investor making a recommendation. Again, this point just illustrates and highlights that there is no “virtual” community in Reese where all members interact and socially make decisions with one another or collaborate with one another. The Examiner appears to be trying to illogically forge a broad definition of virtual community and analysts to achieve a rejection even when it lacks common sense when viewed from the eyes of one of ordinary skill in the art. Applicant believes this is improper.

Again, the Examiner contends that the aggregated financial report is emailed to inventors in column 60 lines 8-15 when arguing that a derived financial product is produced via Reese. Applicant encourages the Board to read this passage in its entirety. The passage says a notification is sent that a new recommendation was made by a source, not that the recommendations are sent via email. *Emphasis added.*

The passage of the specification recited by the Examiner states that the “preferences may be used as a basis for . . .” *Emphasis added.* This does not state that the preferences are the financial product; it only states that the preference help in forming the financial product. There is no financial product derived in Reese at all. Reese simply summarizes financial products. Applicant again respectfully disagrees with how the Examiner is interpreting this information and selectively interpreting portions of the specification and the references and some times in incongruent manners to reach the desired end. Applicant believes that this is improper and in some cases as stated above miss interpreted entirely incorrectly.

Thus, Applicant respectfully requests that the Board remove the rejections of record and allow the claims, as the Reese reference completely fails in many aspects to teach or suggest each and every limitation of the rejected claims.

CONCLUSION

Appellants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Appellants' attorney at (513) 942-0224 to facilitate prosecution of this application.

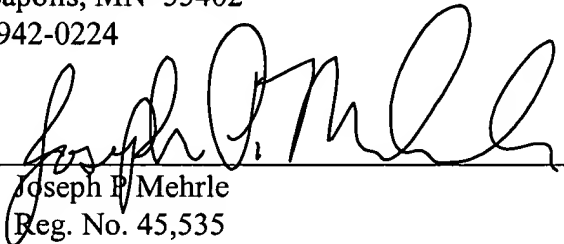
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


MICHAEL J WITZ ET AL.

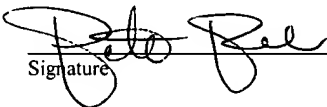
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date 09/24/07 By /  /
Joseph E. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24 day of September 2007.


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